

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
CrI Misc Case No. 1568/2023
CNR WBUD01-002955/2023

Present:- Sri Partha Pratim Chakravorty(WB01277)
Sessions Judge, Uttar Dinajpur at Raiganj
02/25.09.2023

This application for anticipatory bail u/s 438 of the Cr.P.C filed on behalf of present petitioners **1. Shyam Pasman @ Gandariya, 2. Basanti Pasman, 3. Payel Pasman and 4. Munna Pasman @ Shekandar Pasman** in connection with Raiganj P.S. Case No.930/2023 dated 01.09.2023 vide GR 1912/2023 u/s 498(A)/323/307/34 IPC r/w sec. 3 /4 D.P. Act is taken up for hearing.

Learned Advocate for the petitioners by filing an affidavit submits that no such application under section 438 of Criminal Procedure Code is either rejected or pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble Higher Courts.

It is submitted from the end of accused/petitioners by their Ld Counsel that sufficient incriminating materials have not evolved in CD against the present accused/petitioners to necessitate their custodial interrogation for the sake of investigation. It is also pointed out from the end of accused/petitioners that investigation in present case has progressed to a considerable extent indicating thereby that there is no necessity to take the accused/petitioners in custody for the sake of investigation of this case. On the basis of aforesaid submission, Ld Lawyer for the accused/petitioners prays for anticipatory bail on any condition as the Ld Court may deem fit and proper.

Ld Public Prosecutor opposes the prayer for anticipatory bail and draws my attention to the documents present in CD including statement of witnesses recorded u/s 161 Cr.P.C. and medical reports. After making such exercise, Ld Public Prosecutor leaves the matter to the discretion of Ld Court.

Heard the submissions advanced from both sides. Perused the materials that have surfaced in CD together with those present in LCR.

After hearing submission of both sides and taking into consideration of materials in CD together with those present in LCR, I find that investigation in present case has progressed to a considerable extent indicating thereby that at the present moment custodial interrogation of present accused/petitioners is not necessary for the sake of investigation of this case. Accordingly, prayer for anticipatory bail u/s 438 Cr.P.C is hereby considered and allowed.

(Contd...)

Accused/Petitioners namely **1. Shyam Pasman @ Gandariya, 2. Basanti Pasman, 3. Payel Pasman and 4. Munna Pasman @ Shekandar Pasman**, in the event of arrest, in connection with Raiganj P.S. Case No.930/2023 dated 01.09.2023 vide GR 1912/2023, be released on furnishing bail bond of Rs.3,000/- each with two sureties of Rs.1,500/- each, subject to the satisfaction of the Arresting Officer. If on bail they will comply with the provisions of section 438(2) Cr.P.C with condition to assist the IO in the matter of investigation as and when called for and on further condition they shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR and CD.

Let a copy of this order be sent to Ld C.J.M, Raiganj for information.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.